

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Jose ORTEGA-Rodriguez )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

2008 JUN 27 AM 10:01  
'08 MJ 1965  
Magistrate Case No. \_\_\_\_\_

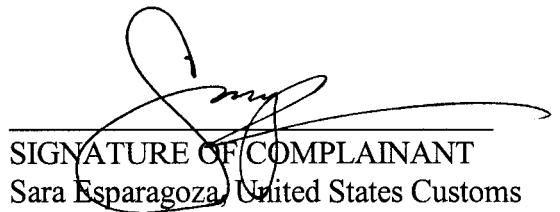
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Attempted Entry After  
Deportation

The undersigned complainant being duly sworn states:

On or about **June 26, 2008**, within the Southern District of California, defendant **Jose ORTEGA-Rodriguez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **27th** DAY OF **June**,  
**2008**.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

On June 26, 2008 at approximately 6:20 AM, **Jose ORTEGA-Rodriguez (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry. Defendant was a passenger in a burgundy 1992 Ford Taurus bearing California license plates driven by Miguel Eduardo Murillo. Defendant presented a Permanent Resident Card (I-551) bearing the name Carlos Romo Rios to a United States Customs and Border Protection (CBP) Officer and stated he was going to work. The CBP Officer received an automated computer generated referral and subsequently escorted the vehicle and its occupants to secondary for further inspection.

In secondary, Defendant attempted to abscond from the vehicle secondary lot by running back towards Mexico. Defendant was apprehended by a CBP Officer and escorted to the security office to complete inspection. Defendant was confirmed to be an imposter to the document presented and was searched by fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query revealing Defendant's identity and linking him Immigration Service and FBI records.

Queries through the Central Index System (CIS) and the Deportable Alien Control System (DACS) revealed Defendant to be a citizen of Mexico without legal rights or documents to enter the United States. DACS records indicate Defendant was ordered deported from the United States by an Immigration Judge on or about May 14, 1996 and was physically removed from the United States through Nogales, Arizona on the same date. Defendant's Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States or the Secretary of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and agreed to answer questions without benefit of counsel. Defendant admitted he is a citizen of Mexico by birth in Nayarit, Mexico and possesses no document or other benefit that would permit his legal entry into the United States. Defendant admitted that he has been previously deported from the United States and has not applied for or received permission from the United States government to legally re-enter the United States. Defendant admitted that he intended to enter the United States in order to see his children in Inglewood, California. Defendant admitted that he purchased the I-551 from an unknown man in Tijuana for \$50.00 USD in order to facilitate his entry into the United States.